

Appl. No. 10/802,166
Atty. Docket No. 9184M&
Amdt. dated 09/30/2010
Reply to Office Action of 03/31/2010
Customer No. 27752

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

List of Claims:

- 1) (currently amended) A composition comprising:
 - a) from ~~about~~ 0.001% to ~~about~~ 5 % of a zinc-containing layered material ~~selected from the group consisting of wherein the zinc-containing layered material is an impurity containing basic zinc carbonate, zinc carbonate hydroxide, hydrozincite, zinc copper carbonate hydroxide, aurichalcite, copper zinc carbonate hydroxide, rosasite, phyllosilicate containing zinc ions, layered double hydroxide, hydroxy double salts and mixtures thereof;~~
~~wherein the zinc-containing layered material impurity containing basic zinc carbonate has a relative zinc lability of greater than about 15% and further wherein the ratio of surfactant to zinc-containing layered material- impurity containing basic zinc carbonate is greater than or equal to 2 to 1.~~
 - b) from ~~about~~ 10 % to ~~about~~ 50% of a surfactant including a surfactant with an anionic functional group;
 - c) from ~~about~~ 0.01% to ~~about~~ 5% of a pyrithione or a polyvalent metal salt of a pyrithione;
- 2) (canceled)
- 3) (previously presented) A composition according to Claim 1 wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione.

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- 4) (canceled)
- 5) (canceled)
- 6) (canceled)
- 7) (previously presented) A composition according to Claim 1 wherein the surfactant is selected from the group consisting of anionic, cationic, nonionic, amphoteric or zwitterionic.
- 8) (original) A composition according to Claim 7 wherein the surfactant is anionic.
- 9) (currently amended) A composition according to Claim 1 wherein the pH is greater than ~~about~~ 6.5.
- 10) (currently amended) A composition according to Claim 9 wherein the pH is from ~~about~~ 6.8 to ~~about~~ 9.5
- 11) (currently amended) A composition according to Claim 10 wherein the pH is from ~~about~~ 6.8 to ~~about~~ 8.5.
- 12) (currently amended) A composition according to Claim 1 wherein the zinc-containing material impurity containing basic zinc carbonate has a relative zinc lability of greater than 20%.
- 13) (currently amended) A composition according to Claim 1 wherein the zinc-containing material impurity containing basic zinc carbonate has a relative zinc lability of greater than 25%.

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- 14) (canceled)
- 15) (canceled)
- 16) (canceled)
- 17) (canceled)
- 18) (original) A composition according to Claim 1 wherein the composition further comprises a cationic deposition polymer.
- 19) (original) A composition according to Claim 1 wherein the composition further comprises a conditioning agent.
- 20) (original) A composition according to Claim 1 wherein the composition further comprises a suspending agent.
- 21) (original) A composition according to Claim 20 wherein the suspending agent is selected from the group consisting of crystalline suspending agent, polymeric suspending agent or mixtures thereof.
- 22) (original) A composition according to Claim 21 wherein the suspending agent is a crystalline suspending agent.
- 23) (currently amended) A method of treating microbial infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.
- 24) (currently amended) A method of treating fungal infections comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying

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an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

25) (currently amended) A method of treating dandruff comprising the use of the composition of Claim 1 comprising the steps of: (a) wetting hair or skin with water; (b) applying an effective amount of the composition of Claim 1 to the hair or skin; (c) rinsing the composition of Claim 1 from the hair or skin using water; and d) repeating steps a, b, and c as needed.

26) (canceled)

27) (currently amended) A composition comprising:

- a) from ~~about~~ 0.1% to ~~about~~ 5 % of a zinc-containing layered material wherein the zinc-containing layered material is an impurity containing basic zinc carbonate;
- b) from ~~about~~ 10 % to ~~about~~ 50% of a surfactant including a surfactant with an anionic functional group;
- c) from ~~about~~ 0.1% to ~~about~~ 2% of a pyrithione or a polyvalent metal salt of a pyrithione wherein the pyrithione or polyvalent metal salt of pyrithione is zinc pyrithione;

wherein the zinc-containing layered material impurity containing basic zinc carbonate has a relative zinc lability of greater than ~~about~~ 15% and further wherein the ratio of surfactant to zinc-containing layered material impurity containing basic zinc carbonate is greater than or equal to 2 to 1.